

IN THE UNITED STATES DISTRICT COURT  
OF THE SOUTHERN DISTRICT OF MISSISSIPPI  
WESTERN DIVISION

PATSY COLLINS

PLAINTIFF

VS.

CIVIL ACTION NO. 5:07-cv-17(DCB)(JMR)

NATCHEZ COMMUNITY HOSPITAL, INC.

DEFENDANT

ORDER

This cause is before the Court on the defendant Natchez Community Hospital, Inc.'s motion for taxation of costs (**docket entry 45**), which is unopposed by the plaintiff. Having carefully considered the motion, and being fully advised in the premises, the Court finds as follows:

Rule 54 of the Federal Rules of Civil Procedure provides that "[u]nless a federal statute, these rules, or a court order provides otherwise, costs - other than attorney's fees - should be allowed to the prevailing party." Title 28 U.S.C. § 1920 enumerates the following recoverable costs:

- (1) Fees of the clerk and marshal;
- (2) Fees of the court reporter for all or any part of the stenographic transcript necessarily obtained for use in the case;
- (3) Fees and disbursements for printing and witnesses;
- (4) Fees for exemplification and copies of papers necessarily obtained for use in the case;
- (5) Document fees under section 1923 of this title;
- (6) compensation of court appointed experts, compensation of interpreters, and salaries, fees, expenses, and costs of special interpretation services under section 1828 of

this title.

28 U.S.C. § 1920. "Before a district court can properly tax costs for photocopies, it must make a determination that the copies being requested 'were necessarily obtained for use in litigation.'" Holmes v. Cessna Aircraft Co., 11 F.3d 63, 64 (5<sup>th</sup> Cir. 1994). The party seeking the costs must offer proof of their necessity. Id.

The defendant seeks the following costs:

- (A) Copies of the plaintiff's medical records (\$508.75);
- (B) Copies of the plaintiff's tax records (\$273.00);
- (C) Copies of records concerning the plaintiff from the Mississippi Department of Employment Security (\$62.60);
- (D) Copies of the Adams County Circuit Court file for attachment to the defendant's notice of removal (\$11.00);
- (E) Filing fee (\$350.00); and
- (F) Deposition transcript fee for the plaintiff's deposition (\$1,080.00).

The defendant has attached copies of all invoices and checks, a supporting affidavit, and a memorandum in support of its motion, all of which show that the items in its bill of costs are correct and were necessarily incurred in the case. Upon review thereof, the Court finds that the defendant's request for costs should be granted in the total amount of \$2,285.35. Accordingly,

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the defendant Natchez Community Hospital, Inc.'s motion for taxation of costs (**docket entry 45**) is GRANTED, and that an award of costs is hereby entered on behalf of the defendant in the total amount of

\$2,285.35.

SO ORDERED, ADJUDGED AND DECREED, this the 30th day of May,  
2008.

/s/ David Bramlette  
UNITED STATES DISTRICT JUDGE